

REMARKS

Applicants thank Examiner Gutman for conducting the personal interview with Applicant's representatives on December 23, 2003. During the interview, Applicant's representative presented that based on the specification, the terms "seating means," "connecting means," and "guide means" are definite and the Examiner agreed that the rejection will likely be withdrawn. Further, the Examiner acknowledged that amending claim 1, line 14, to recite constituting a pre-assembled component "prior to being attached to a body of the motor vehicle" may, subject to further consideration by the Examiner, overcome the prior art rejection over U.S. Patent No. 5,201,810 to Ojima et al. ("Ojima").

Upon entry of the foregoing Amendment, claims 1-6 and 8-31 are pending in the application, with claim 1 being the independent claim. The disclosure has been amended to overcome objections to the disclosure. Claims 32-65, which were directed to non-elected invention, were cancelled. Applicants reserve a right to file a continuation or divisional application for the subject matter of the cancelled claims. Claims 1, 5, 6, 9, and 31 have been amended to overcome claim objections and provide antecedent basis for claim terms. Claims 16-19 were withdrawn from further consideration by the Examiner, but Applicants amended the same claims editorially because they are directed to species for which claim 1 is generic and should be allowed upon allowance of the generic claim. Applicants submit that claim 1 is allowable for the reasons discussed below.

Acknowledgement of Allowable Subject Matter

In the Office Action at section 13, claims 3-5, 10, 13-15, 20 and 28-31 were indicated to be allowable over the applied references.

Objection to the Specification

In the Office Action at section 2, the specification was objected to for including minor informalities. The specification has been carefully amended to overcome the objection.

Objection to the Claims

In the Office Action at section 3, claim 5 was objected to for including a minor informality. Claim 5 was amended to overcome the objection.

Rejections under 35 U.S.C. § 112

In the Office Action at section 6, claims 1-6, 8-15 and 20-31 were rejected under 35 U.S.C. § 112, second paragraph, as being indefinite. Claim 5 was amended to overcome the rejection. Further, attention is directed to the first paragraph of this Remarks section with regard to the rejection of claim 1. Applicants submit that the terms "seating means," "connecting means," and "guide means," each of which may or may not be in a means plus function format, have adequate disclosure in the specification and are definite.

For at least the above discussed reasons, reconsideration of this rejection is respectfully requested.

Rejections under 35 U.S.C. § 102 & 103

In the Office Action at pages 4-6, claims 1, 2, 6, 8-9, 11, 12 and 21-26 were rejected under 35 U.S.C. § 102(b) as being anticipated by or, in the alternative, under 35 U.S.C. § 103(a) as being obvious over U.S. Patent No. 5,201,810 to Ojima et al. ("Ojima"). Further, claim 27 was rejected under 35 U.S.C. § 103(a) as being unpatentable over Ojima in view of DE 3,413,966. The rejections are respectfully traversed.

Amended claim 1 recites a windup window shade having, among other things, (1) seating means, (2) connecting means, with which the seating means are connected with each other, and (3) at least one pair of guide means, each of which contains at least one guide groove, with the guide means being connected, at least in sections, with the seating means and the connecting means to ***constitute a pre-assembled component prior to being attached to a body of a motor vehicle.***

These features are clearly supported in the specification at, for example, Fig. 5, in which seating brackets 24 (only one shown) are connected with each other by a frame tubing 68 and a pair of guide rails 13 (only one shown) are connected with the seating brackets 24 and the frame tubing 68. The specification at page 5, lines 11-14, for example, states that Fig shows the ***pre-assembled unit*** comprising a windup shaft, seating brackets, a window shade web, a traction rod and guide rails, in a broken-off schematic view. The feature of having a pre-assembled component ***prior to*** being attached to a body of the motor vehicle is emphasized throughout the specification. See specification at, for example, page 2, lines 4-14, 20-24; page 3, lines 19-21; page 4, lines 26-27; page 5, lines 11, 15, 19, 23, 29.

Ojima fails to teach or fairly suggest at least one pair of guide means, each of which

contains at least one guide groove, with the guide means being connected, at least in sections, with seating means and connecting means to *constitute a pre-assembled component prior to being attached to a body of a motor vehicle*. Ojima discloses in Fig. 1 guide members 14, sliders 17, a pull rod 13, a retractor 11, a gear motor 20, and flexible rack members 18a-18b. However, Ojima lacks elements that hold these elements together as a component *prior to being attached to a body of a motor vehicle*. Fig. 2 of Ojima is a sectional view taken along line II-II of Fig. 1 with a wind shield 1 and a parcel board 16 already in place as shown in Fig. 1, but fails to show that the depicted elements are held together as a component prior to being attached to a body of a motor vehicle. Thus, Ojima fails to teach or fairly suggest at least one pair of guide means, each of which contains at least one guide groove, with the guide means being connected, at least in sections, with seating means and connecting means to *constitute a pre-assembled component prior to being attached to a body of a motor vehicle*.

The Office Action at page 5 asserted that the "pre-assembled component" is a process limitation and Ojima is believed to satisfy all of the limitation of the claim. However, Applicants respectfully submit that elements of the claimed invention constituting "a pre-assembled component prior to being attached to a body of the motor vehicle" is a functional/structural limitation. A recitation of claimed features in functional/structural terms is allowed. As such, Applicants respectfully submit that the claimed features have to be clearly shown or taught by Ojima. However, as discussed before, Ojima fails to show or suggest the claimed features because (1) the elements in Fig. 2, for example, are incapable of being held together as a component prior to being attached to a body of a motor vehicle, as

discussed above, and (2) the Office Action fails to provide a motivation for modifying Ojima to have such features. Thus, Applicants respectfully submit that the Office Action fails to establish why Applicant's invention constituting "a pre-assembled component prior to being attached to a body of the motor vehicle" would have been inherent or obvious in Ojima.

The teachings of the secondary reference DE 3,413,966 have been considered. It is noted that these teachings do not remedy the deficiencies of Ojima, noted above.

For at the above discussed reasons, withdrawal of each of these rejections is respectfully requested.

Conclusion

All of the stated grounds of objection and rejection have been properly traversed, accommodated, or rendered moot. Applicant therefore respectfully requests that the Examiner reconsider all presently outstanding objections and rejections and that they be withdrawn. Applicant believes that a full and complete reply has been made to the outstanding Office Action and, as such, the present application is in condition for allowance. If the Examiner believes, for any reason, that personal communication will expedite prosecution of this application, the Examiner is hereby invited to telephone the undersigned.

Prompt and favorable consideration of this Amendment and the allowance of claims 1-6 and 8-31 is respectfully requested.

Respectfully submitted,

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